

## EXHIBIT B

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7 Attorney for Plaintiff

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF ARIZONA**

10  
11 Keith Raniere,

12 Plaintiff,

13 v.

14 Merrick Garland, et al.,

15 Defendants.

Case No.: 4:22-cv-00212-RCC-PSOT

**DECLARATION OF KEITH RANIERE**

16  
17 I, Keith Raniere , pursuant to 28 U.S.C. § 1746, and based upon my personal  
18 knowledge and experience, hereby make the following declaration.  
19

20 1. I am currently incarcerated within the Federal Bureau of Prisons at the  
21 United States Penitentiary in Tucson, AZ.

22 2. I am currently housed in the Special Housing Unit (SHU).

23 3. I was brought here after I was assaulted in the chow hall on 7/26/2022.

24 4. I was given an incident report (IR) for fighting.

25 5. On 8/9/2022 Officer Estrada told me that the IR would be expunged.

26 6. I was notified on 8/23/2022 that it had been expunged.  
27  
28

1           7.     I have not yet been returned to general population, despite not receiving  
2 any disciplinary sanctions.

3           8.     Officials here are holding me here in “administrative segregation” (AD  
4 SEG) pending an “investigation”.

5           9.     I have was only informed of the subject of the investigation on 8/26/2022  
6 more than a week after the IR had been cleared.

7           10.    I was interviewed on 9/20/2022.

8           11.    I did not express any fear of returning to general population.

9           12.    I believe I can program very well in the general population at USP Tucson.

10          13.    I did not request a placement in protective custody.

11          14.    I did not request a transfer to another facility.

12          15.    I do not want to be transferred, as I believe that would endanger me.

13          16.    There is no functional difference between AD SEG and disciplinary  
14 segregation.

15          17.    I am locked in my room 23-24 hours a day.

16          18.    I am allowed to have only minimal property.

17          19.    I cannot use the phone, or the email system to communicate with my  
18 family and friends.

19          20.    If I am let out for recreation at all it occurs in a 5x10 cage, and lasts less  
20 than an hour.

21          21.    I am often caged with sex offenders.

1           22. I have not been informed of my “custody reviews” which are supposed to  
2 occur every seven days, but which policy bars me from attending.

3           23. Nor have I been informed of my 30 day reviews which I am allowed to  
4 attend.

5           24. I have never declined to attend any review.

6           25. I want to participate in these reviews, but have never been given the  
7 opportunity.  
8

9           26. I have never been given the chance to express my concerns about the  
10 retaliation I'm experiencing, or my current cellmate who I believe was placed with me to  
11 set me up for a sexual assault charge.  
12

13           27. My current cell mate, Tony Fly, has filed about 75 Prison Rape Elimination  
14 Act (PREA) complaints.  
15

16           28. My current cell mate is in segregation after having been raped in her cell,  
17 taken to the hospital, and placed on suicide watch.  
18

19           29. The perception of me as a “sex cult” leader makes the placement of Ms. Fly  
20 with me extremely suspicious, and inappropriate.  
21

22           30. I would never harm Ms. Fly, but I believe she was placed in my cell to  
23 fabricate a new charge against me.

24           31. If staff are doing custody reviews at all, they are doing them without my  
25 input or participation.  
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1           32.     I have never been given a copy of any of the reviews, nor have I ever  
2 refused to sign, or refused to accept one.

3           33.     I would have raised my concerns to the person giving me the form.

4           34.     I believe my placement in AD SEG for 97 days and counting for some  
5 specious “investigation” is clear retaliation from prison officials for my unpopular crimes  
6 of conviction, and my continued legal efforts to clear my name.  
7

8           35.     I am supposed to see a member of my unit team every day.

9           36.     Since my placement in SHU I only spoken to my unit team once a week.

10          37.     From 10/6/2022-10/24/2022 I did not speak to my unit team at all.

11          38.     My unit team is responsible for giving me grievance forms to allow me to  
12 formally contest this situation.  
13

14          39.     Because my unit team only come once a week I have a very hard time  
15 obtaining grievance forms. I ask for them, and the officer often does not remember to  
16 bring them the next week.  
17

18          40.     Other than a cursory exam when I first got here, I have not been examined  
19 by a member of the medical staff, since I have been placed in SHU.  
20

21          41.     I repeatedly asked for an ice pack to reduce the swelling in my face, but  
22 neither medical staff, nor security staff brought me one.  
23

24          42.     I have not been evaluated by any member of the mental health staff since I  
25 have been placed in SHU.  
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Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the forgoing is true and correct to the best of my information, knowledge and belief.

Executed this 24<sup>th</sup> day of October 2022, in Tucson, Arizona.



Keith Ranieri

1. I believe it is necessary to make this statement due to new information relating to my potential transfer (which I believe is retaliatory and improper) from USP Tucson. I was told today, by my unit team, I am recommended for transfer.
2. I am innocent of these charges; I believe the legal term is, "actually innocent." Please see this link to a press conference by Alan Dershowitz and other bipartisan, credible sources:
3. As noted in the press conference, these charges were brought against me using an unprecedented, historical, level of government malfeasance and outright crime.
4. A billionaire media mogul from Mexico, who is well-known to me (whose daughter was a leader in my organization), vowed to spend and do whatever was necessary to put me in prison for the rest of my life - and likely have me killed. Here I am.
5. As an innocent person, I am particularly aware of the improper, and dishonest, things done to me as a prisoner. Although I am a peace activist, and led a peace movement in Mexico, I never imagined the inhumane and abusive conditions, and culture, in our American prisons.
6. I am concerned that as a prisoner my words may not be considered reliable. Please consider what I say. I will try to provide ways of obtaining corroboration.
7. I have heard the B.O.P. has denied that my cell-mate and myself were held in a room with pungent, human feces smeared on the walls (19 hand strokes) and on the floor, for 4 hours, and forced herein to eat our lunch. The Warden, SIA, and other officers specifically executed this. This denial is a verifiable lie. It is not only retaliatory; it is malicious and deplorable if we are allowed to expose Drs. Hermosillo and Polesky, I believe they will not lie. Also there are video cameras which recorded the period of time during which this happened. There are also numerous officers who



Side 2

passed by the holding cell. What does it mean that the B.O.P. would lie about such a thing?

8. Unfortunately, because of outright lies and deceit, from above the Warden, nationally and downward, I write this knowing there is an active effort to cover-up, and to lessen accountability by deceiving and also shipping me out. With a little effort and precision - even with just the above incident and its denial - the court will see the direct, bad-faith, dishonesty of some high-level people within the B.O.P.
9. Shipping me from USP Tucson, away from my attorneys, in a physically painful, potentially torturous process, into another potentially more dangerous environment foreign to me, is what is traditionally done by B.O.P. to silence and/or punish inmates. Please do not let me be silenced or shipped.
10. Keeping me in the S.H.U., or placing me in a different unit is another form of retaliation and silencing. Please have the B.O.P. return me to my normal unit, C-1, as soon as possible. When one is held in the S.H.U. administratively, as I am now, it is supposed to be substantially similar to being in general population (GP). Certainly this would mean my attorney visits, and even personal visitation would be virtually identical to being in GP. This is absolutely not the case. Simple questioning of B.O.P. officials, and my attorneys, along with B.O.P. video footage will establish what I say. My concern is they will ship me before any of this can happen. Please do not allow this.
11. As one demonstration of how the B.O.P. creates and sets-up retaliatory, punitive, and/or dangerous situations, examine my current cell-mate placement: Toni Fly is a known hermaphrodite. She has filed 75 PREA complaints on other inmates and also many on staff. B.O.P. claims she is very violent and mentally unstable. B.O.P. records will show she has threatened to kill any sex-offender cell-mate with whom she is celled. I am convicted as a sex-offender. I am also said to be a sex cult leader and a threat to women. Immediately before we became



Cell-mates she was raped, brought to the hospital, then put on suicide watch. She came directly from suicide watch to my cell. Why would USP Tucson house a violent, 75+ PRA, vulnerable to rape, vowed to kill sex-offenders, with me, an alleged sex-offender, cult-leader, abuser of vulnerable women? Why was Whitey Bolger sent to an active yard? The sad answer is: planned harm.

12. Another point of note: My cell-mate is the only known USP Tucson inmate with female genitalia (as reported by both B.O.P. reports and inmates.) Imagine having that in an institution with many, many, male rapists and sex offenders. Yet the B.O.P. refuses to transfer her to a female facility, or house her single-celled as multiple B.O.P. Doctors having directly recommended.
13. There are many other verifiable maladies: Medical, S.H.U., restraint chair left, rape, and death that can be shown. All of them highlight a defective, broken, dishonest system that needs to be addressed.
14. My unit team informed me my transfer is because of too much legal activities: Calls and Visits. I average less than 1 visit (2-3 hours) and 1 call (1 to 2 hours) per week. Months ago, I was cleared by S.T.S., DHO, and S.H.U. to go back to G.P. but mysteriously, my case was "rerouted". After almost 4 months in the S.H.U. I am being shipped. As wrongful and inappropriate as this transfer is, it is also illustrative: the B.O.P. will do almost anything to protect itself, cover-up it's misdeeds and abuses, and do so with impunity. Let's start to stop this now. Please have them return me to my old unit in G.P., not ship me. Also be sure they provide a safe environment for I have witnessed, even in my own case, inmates who, working with certain officers cause problems and serious injuries to those the B.O.P. (or officers) would silence. Don't let me be silenced. Please have the B.O.P. keep me here, in G.P., in my old unit, safely, so I can earn my freedom and demonstrate my actual innocence in the larger context. I am innocent, please let me not be silenced.

side 2

15. It is now Sunday 11/13. I wrote the above 14 points yesterday, but today I spoke to someone from my unit team.
16. They informed me I was being recommended for transfer for an extended 3 reasons: 1) Too much legal, 2) Too many administrative remedies, 3) better programming elsewhere. Note: I am not participating in programming so "better programming" is irrelevant. These are my rights. I am not exceptional in any category. <sup>fair</sup> There is no reason to ship me. I am being shipped for retaliation and possibly to attempt to gain some legal advantage in this case and others.

I certify, under penalty of perjury, the above is correct and true to the best of my knowledge. I also grant my attorneys the right to retype, format, or edit, this affidavit, and sign for me using this as a reference / source document.

Keith Renier 11/12/22



KEITH ALAN RANIERE  
PLAINTIFF

V.

MERRICK GARLAND, et al.,  
DEFENDANTS.

CASE NO. 4:22-CV-00212-TUC-RCC

DECLARATION OF MR. TONI FLY;  
FEDERAL ID. 18658-023  
ALSO KNOWN AS:  
WILLIAM ANTHONY FLY.

I, Declaration under Penalty of Perjury:

1. I declare the following to be true and correct to the best of my information, knowledge, or belief, and I will testify to:
2. I am a Federal Prisoner, currently housed at USP-Tucson
3. I am currently the cell mate of Keith Alan Raniero, and have been since September 8, 2023, upon my return from Suicide Watch, University Medical Center of Tucson, and a Rape Interview, after my previous cell mate Edwin Texidor-Nunez Beat and Raped me.
4. I have been Raped by 75 separate male bond inmates and multiple staff members.
5. I have a Pending Civil Rights action: 4:21-cv-00564-TUC-SHR (D. AZ), and Habeas Corpus Appeal: 21-1495 (7th Cir).
6. ON OR about September 9, 2022 Executive Staff came to A-Range Cell #119 and asked me about my legal work, stated "CUFF UP" and escorted MR. Raniero and I to a Holding cell, in which had Human Feces smeared on the walls, and floor and clothing in the cell.

(1)

7. MR. RANIERE AND I WERE LEFT IN THIS CELL FOR SEVERAL HOURS, AND FORCED TO EAT IN THE FECES CELL.
8. I WAS TAKEN OUT BY PSYCHOLOGY DUE TO THE SEVERE EMOTIONAL DISTRESS, ANXIETY, AND CONCERN OVER NOT ONLY THE CONSTITUTIONAL CRUEL AND UNUSUAL PUNISHMENT IN RETALIATION FOR MY LEGAL PURSUITS,
9. THE PSYCHOLOGISTS DR'S. FLEMMING-HERMOSSILLO, AND POLESKI, DID NOT WANT TO ENTER THE CELL, AS THE SMELL WAS SO INTENSELY BAD AND OVERWHELMING EVEN FROM OUTSIDE THE CELL.
10. DR. POLESKI TOOK ME TO THE 5TH PSYCHOLOGY OFFICE, AND DID SAY THE FECES HAD BEEN THERE OVER 24 HOURS FROM THE PRIOR DAY.
11. DR. POLESKI ATTEMPTED TO RETURN ME TO MY CELL, HOWEVER RETALIATORY STAFF REFUSED, AND INSISTED, I BE RETURNED TO THE "SHIT CELL", THOUGH DR. POLESKI ARGUED THAT IT IS NOT A SAFE ENVIRONMENT, UNSANITARY, HAZARDOUS TO BOTH MY PHYSICAL AND MENTAL HEALTH. CO FRANCIS SAID HE DID NOT CARE. SHE ASKED IF I COULD BE PLACED IN A MORE SANITARY ROOM UNTIL I WAS RETURNED. 5TH STAFF SAID "NO", THE LIEUTENANT, CAPTAIN, AND WARDEN SAID "BY STAYS UP THERE IN THAT CELL".
12. I WAS RETURNED TO THE FECES RIDDEN CELL WITH MR. RANIERE.



13. I DONT RETURN TO CELL 119 ON A KANGE, all of my legal work was missing.
14. I did not receive my legal work back until the following mid-week, and it was torn, ripped and soaking wet.
15. I have heard on multiple occasions, MR. RANIERE speaking to his unit team, and he was informed that they wanted him shipped (transferred) due to his legal pursuits to be exhausted, MR. Flores stated "You have too many legal visits" when asked by MR. RANIERE why he was being transferred.
16. I heard SPS LT. JOSHUA CHRISTENSEN state "You should return to the compound" <sup>up</sup> I recommended return to general population and both SPS LTs: REHL and DELEON state "just waiting on the signatures to return you to G.P." Then a new SPS investigation was opened. I now heard MR. RANIERE's unit team state "FOR BETTER PROGRAMMING OPPORTUNITIES" as the new reason.

### II. CERTIFICATION:

I CERTIFY, SWORE, AND AFFIRM, and declare the foregoing statements to be true and correct to the best of my information, knowledge, or belief under penalty of perjury.

MAG. TONI PEG  
ALSO KNOWN AS:

18658-023

WILLIAM ANTHONY PEG  
Toni Peg

15 NOV 2022

Declaration/Affidavit of Keith Van Kester, #27005-177

1. I am an inmate at USP Tucson, currently in the S.H.U. on administrative detention, and referred for transfer. I object to my circumstances and feel I should not be transferred for the stated reasons of too many legal visits and calls (all approved by my Unit team), and too many administrative remedies (I believe 6 from the time I was placed in the S.H.U.). I have been in the S.H.U. so far approximately 120 days.
2. My cell-mate in the S.H.U. is inmate Toni Fly, #18658-023.
3. I am appalled by the direct dishonesty I have seen in my case by the B.O.P. and its representatives. Assertions the B.O.P. makes are often directly contradicted by their own proffered evidence. I have also observed the same in Toni Fly's case (4:21-cv-00506-SHA).
4. I believe by showing some of these contradictions in Toni Fly's case a fuller picture of the bad-faith, B.O.P. culture of legal deception can be seen. Toni Fly and I have the same USP Tucson Attorney in our cases.
5. In Doc 55 filed 10/28/22, pgs, lines 15-18, Toni Fly opposition states Toni Fly has not been diagnosed with any of a list of ailments of which she complains. This assertion is absurd and can only be categorized as a knowing, calculated lie. Amongst these conditions are asthma, allergies, Reynaud's Syndrome, and poor vision.
6. Within the B.O.P.'s own submission is Doc 55-1, attachment 1 to exhibit C.
7. I ~~am~~ know that Toni Fly receives prescribed medications for some of this conditions and definitely needs eyeglasses.
8. If one examines the above attachment, one will find a page with a date of 8/17/22 titled "Clinical encounter" to see Toni Fly is prescribed an asthma inhaler (RX # 392742-TCX, created at USP Tucson).



9. Using this attachment one will find records of allergies, and Reynard's diagnosis (noted by Dx).
10. In my case I have found the B.O.P. will say whatever they want to achieve whatever they want — even if it is improper and untrue.
11. The administrative remedy process works the same way. More than 1 year ago I was placed in the S.H.V. — again for retaliation for my legal cases — and given 2 shots. ~~Now~~ This month I received the final answer to my administrative process journey to get these improper shots expunged (I told another inmate to tell my 15 year partner, with whom I have very active and extensive communication, to "send her my love, I will see her Saturday".)
12. I did not violate any policy and should not have gotten the shots. My request for expungement was denied, and to date I have not been told any policy which I violated. National set on this for 3 months, and the National Administrative Remedies Coordinator, Ian Connors, did not even initial this denial although it has a place for signature.
13. After more than a year, going through the administrative remedy process not only was fruitless, I still do not know what policy I violated. How can I be sure I won't offend again?
14. Additionally, through this lawsuit I was encouraged to file administrative remedies on other retaliatory events (some of them). I now sit in the S.H.V. for 120 days and counting, in part, because I filed these remedies. Furthermore, I am being transferred, because of these remedies and this legal action. How can I file an admin. remedy about being punished for filing them?

I certify under penalty of perjury, the above is accurate and true to the best of my knowledge. I also grant my attorneys the right to retype, edit, and format this affidavit, and sign for me using this as a reference document.

Keith Beniere, 11/22/22